

CARL J. KUNASEK
CHAIRMAN
JIM IRVIN
COMMISSIONER
WILLIAM A. MUNDELL
COMMISSIONER



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BRIAN C. McNEIL
EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION

DATE: October 24, 2000

DOCKET NO: T-03074A-00-0738

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Jane Rodda. The recommendation has been filed in the form of an Order on:

APOLLO TELECOM
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

NOVEMBER 2, 2000

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

NOVEMBER 7, 2000 and NOVEMBER 8, 2000

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.


BRIAN C. McNEIL
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 CARL J. KUNASEK
3 CHAIRMAN

4 JIM IRVIN
5 COMMISSIONER

6 WILLIAM A. MUNDELL
7 COMMISSIONER

8 IN THE MATTER OF THE APPLICATION OF
9 APOLLO TELECOM FOR THE CANCELLATION
10 OF THE CERTIFICATE OF CONVENIENCE AND
11 NECESSITY TO PROVIDE COMPETITIVE
12 INTRASTATE TOLL SERVICES AS A
13 RESELLER IN THE STATE OF ARIZONA.

DOCKET NO. T-03074A-00-0738

DECISION NO. _____

ORDER

14 Open Meeting
15 November 7 and 8, 2000
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 Having considered the entire record herein and being fully advised in the premises, the
19 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

20 **FINDINGS OF FACT**

21 1. Apollo Telecom ("Apollo") has a Certificate of Convenience and Necessity
22 ("Certificate") to provide intrastate toll telecommunication services as a reseller in the State of
23 Arizona pursuant to Decision No. 60178 (May 16, 1997).

24 2. On April 19, 1999, Apollo filed bankruptcy under Chapter 11, which was converted to
25 a Chapter 7 case on August 20, 1999.

26 3. On September 26, 2000, Apollo filed a letter requesting cancellation of its Certificate
27 because it is no longer doing business.

28 4. In Decision No. 58926 (December 22, 1994), the Commission found that resold
telecommunications providers ("resellers") were public service corporations subject to the
jurisdiction of the Commission.

 5. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding resellers'
Certificates without a hearing.

 6. On October 11, 2000, the Commission's Utilities Division Staff ("Staff") filed a Staff
Report, recommending that the request to cancel Applicant's Certificate be granted without a hearing.

CONCLUSIONS OF LAW

1. Apollo is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.
2. The Commission has jurisdiction over Applicant and the subject matter of the application.
3. The cancellation of Apollo's Certificate is in the public interest.
4. Staff's recommendation in Findings of Fact No. 6 is reasonable and should be adopted.

ORDER

IT IS THEREFORE ORDERED that the application for the cancellation of the Certificate of Convenience and Necessity of Apollo Telecom to provide competitive intrastate toll telecommunications services, except local exchange services, shall be, and the same is hereby approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of ____, 2000.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
JR:dp

SERVICE LIST FOR:

APOLLO TELECOM

DOCKET NO.

T-03074A-00-0738

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